IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4427 OF 2004
ALONGWITH
CRIMINAL APPLICATION NO. 4428 OF 2004
ALONGWITH
CRIMINAL APPLICATION NO. 4429 OF 2004
ALONGWITH
CRIMINAL APPLICATION NO. 4430 OF 2004
ALONGWITH
CRIMINAL APPLICATION NO. 4433 OF 2004

Mrs. Malti Ravindra Shah ...Applicant

Versus

State of Maharashtra & Ors ...Respondents

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Mr. Subhash Jha i/b Mr. Shailesh Kumar, Advocate for Applicant.

Mr. Aditya Khandeparkar, Adv.for Respondent No.2

Mr. Rajesh More, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 21ST SEPTEMBER, 2005

P. C.:-

1. Heard the learned advocate for the applicant i.e. the original accused, the learned advocate for the respondent 2 i.e. original complainant and the learned A.P.P. for the State.

2. The applicant has prayed for quashing of process issued against him in Criminal Case Nos. 1975/S/2002, 1986/S/2002, 1825/S/2002, 1839/S/2002 and 1827/S/2002 which are pending in the Court of

learned Metropolitan Magistrate, 7th Court, Dadar, Mumbai. In the said case, process has been issued against the applicant under Section 138/141 of Negotiable Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K. Jain & Ors. Vs. Pratap V. Padode and Anr, reported in 2005(3) Mh.L.J. 778,** in my opinion, the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court. The learned advocate for the applicant states that the necessary revision would be preferred within a period of three weeks from today. I am informed that the date before the trial Court is on 4.10.2005. In view of this statement, the trial Court shall not proceed with the trial on 4.10.2005 and for a period of 10 days thereafter. The learned advocate for the respondent i.e. original complainant fairly states that no objection would be raised in respect of delay in filing revision before the learned Sessions Judge.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties. The learned Sessions Judge to dispose of the revision as far as possible by 31.03.2006.

6. Applications are disposed of.

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